



## **The Secretary of Energy**

Washington, DC 20585

April 21, 1998

The Honorable Edward J. Markey  
U.S. House of Representatives  
Washington, D.C. 20515-2107

Dear Congressman Markey:

This is in response to your October 14, 1997, letter regarding the status of safeguards and security at the Department of Energy (DOE) nuclear weapons facilities.

I agree that maintaining adequate safeguards over nuclear material is a serious and important responsibility that must receive attention at the highest levels of the Department. Thus, among my first acts as Secretary, I took several steps to address security issues, including the selection in May 1997 of Mr. Joseph S. Mahaley as the Director of Security Affairs. Mr. Mahaley, an experienced security professional, has already briefed your staff on a number of the issues addressed in your letter.

At my direction, Mr. Mahaley undertook an independent review of security at DOE sites, as well as an examination of issues affecting the Department's security management structure. The Department's Office of Oversight also conducted a series of security profiles on all major DOE sites. The results of these efforts were summarized in two recently completed reports, both of which are enclosed.

These reports address several of the issues raised in your letter--and although they acknowledge that problems exist at some sites that must be corrected, they determined that there is no immediate danger to nuclear material at any DOE facility. Deputy Secretary Elizabeth A. Moler is leading an internal security management council to evaluate and follow up on the recommendations contained in the reports.

I also announced the establishment of a Department of Energy Security Management Board in accordance with Section 3161 of the National Defense Authorization Act for Fiscal Year 1998. This Board will be chaired by me and will consist of ten additional members, five from the Department of Energy, three selected by the Secretary of Defense, and one each selected by the Director of the Federal Bureau of Investigation and the Director of Central Intelligence. The Board will provide advice on policy matters, operational concerns, strategic planning, personnel, budget, procurement, and development of priorities relating to the security functions of the Department of Energy. A copy of the statutory language is enclosed for your reference.

We recognize that although the Cold War is over, potential threats to our national security remain. We also understand that new security challenges demand new approaches, continual reassessment, and creative solutions. We take these challenges seriously, and we are working diligently to ensure that all of our facilities are adequately protected.

Enclosed are specific answers to each of the questions raised in your letter. Should you or your staff have additional questions or require more detailed briefings on these issues, please contact Mr. Joseph S. Mahaley, Director of Security Affairs, at (202) 586-6591.

Sincerely,

A handwritten signature in black ink, appearing to read "Federico Peña". The signature is fluid and cursive, with a large, stylized "F" and "P".

Federico Peña

Enclosures

Response to October 14, 1997 Letter from Representative Edward J. Markey

Questions are listed in the order in which they appear in the letter.

**pg 2, para 1. (a): How has DOE responded to allegations that "anti-government militia" groups have attempted to recruit members from Rocky Flats security personnel? What actions did DOE take in order to determine whether the six guards identified by [Mr. Jeff] Peters were in fact members of militant anti-government groups who may pose a threat to public safety? What is DOE's policy regarding its employment of people who are known to belong to militant anti-government groups in positions that involve access to nuclear materials? What has DOE done to assess the possibility that such groups may try to recruit members from security forces or other personnel at other sensitive DOE facilities? Does DOE regard such personnel to pose a potential risk to the safety and security of stores of nuclear materials and weapons? If not, please explain.**

**ANS:** Mr. Peters provided the Department of Energy, Rocky Flats Field Office (DOE-RFFO) Internal Security office with the names of three Wackenhut Services, L.L.C. (WS) employees whom he thought may have been involved with anti-government militias. After notification to the Federal Bureau of Investigation, the three were interviewed by the RFFO Internal Security office in the summer of 1996, concerning a militia video presentation that occurred twelve to eighteen months prior at the residence of one of the employees. An additional WS employee was interviewed concerning this matter because of her personal association with two of the WS employees who participated in the video viewing. There was no evidence of subversive activities within the meaning of 10 CFR 710.8, which sets out the regulations to determine who may have access authorizations (see Attachment). Therefore, as a result of the interviews, it was determined that there was no basis for personnel security actions against the individuals. The FBI was notified of our conclusions.

It is not illegal for anyone to belong to a militia organization. Membership by itself in one of these organizations does not constitute a basis for denying a security clearance or employment in a security position. There would be a security concern if an organization espouses the overthrow of the U.S. government by unconstitutional means or the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States.

The DOE RFFO keeps in contact with the Domestic Terrorism (DT) squad at the local FBI office who would be knowledgeable about the DT threat in the state of Colorado. All of the names of the individuals provided by Mr. Peters, and the other WS employee were provided to the local FBI. Based on the information available, the DOE was advised that the FBI did not feel there was a direct threat against the site.

**p. 3, para 1(a): What is DOE's policy regarding its employment of people who are known to belong to militant anti-government groups in positions that involve access to nuclear materials?**

Persons in positions that involve access to nuclear material within the DOE complex are more commonly employees of DOE contractors, rather than DOE federal employees. While all individuals with such access are screened and monitored, there are differences in the specific processes used in the area of pre-employment screening. For DOE employees, prior to hiring into the government, a determination for suitability for federal employment is made under Title 5, Code of Federal Regulations, Part 5. This determination addresses issues of loyalty, which would include membership in or support of anti-government groups, that are potentially disqualifying. The criteria, derived from Executive Order 10450, are listed below:

“Commission of any act of sabotage, espionage, treason, or sedition, or attempts thereat or preparation therefor, or conspiring with, or aiding or abetting another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.” EO 10450, Section 8(a)(2)

“Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or with any espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interest may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the government of the United States or the alteration of the form of government of the United States by unconstitutional means.” EO 10450, Section 8(a)(3)

“Knowing membership with the specific intent of furthering the aims of, or adherence to and active participation in, any foreign or domestic organization, association, movement, group, or combination of persons (hereinafter referred to as organizations) which unlawfully advocates or practices the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the Government of the United States or any State or subdivision thereof by unlawful means.” EO 10450, Section 8(a)(5)

“Advocacy of use of force or violence to overthrow the government of the United States, or the alteration of the form of government of the United States by unconstitutional means.” EO 10450, Section 8(a)(4)

For DOE contractor employees, a category that includes security policy officers at RFFO, the contractor is required to conduct a pre-employment investigation under the Department of Energy Acquisition Regulation. While the government can have no say in the hiring choices of a private company, a thorough pre-employment investigation can eliminate unsuitable candidates before undertaking costly security processing.

Once an individual is hired into the position, but prior to being given access to classified matter or special nuclear material, a determination of eligibility for access is made. The procedures and criteria are the same for both federal and contractor employees and are set out in DOE Order 472.1, "PERSONNEL SECURITY ACTIVITIES," and Title 10, Code of Federal Regulations, Part 710, "Criteria and Procedures for Determining Eligibility for Access to Classified Matter and Special Nuclear Materials." The access authorization (personnel security clearance) is granted only after a determination that this action will not endanger the common defense and security and is clearly consistent with the national interest. The criteria considered in arriving at this determination include:

- (a) [the individual has] Committed, prepared, or attempted to commit, or aided, abetted or conspired with another to commit or attempt to commit any act of sabotage, espionage, treason, terrorism, or sedition.
- (b) Knowingly established or continued a sympathetic association with a saboteur, spy, terrorist, traitor, seditionist, anarchist, or revolutionist, espionage agent, or representative or a foreign nation whose interests are inimical to the interests of the United States, its territories or possessions, or with any person advocating the use of force or violence to overthrow the Government of the United States or any state or subdivision thereof by unconstitutional means.
- (c) Knowingly held membership in or had a knowing affiliation with, or has knowingly taken action which evidences a sympathetic association with the intent of furthering the aims of, or adhering to, and actively participating in, any foreign or domestic organization, association, movement, group, or combination of persons which advocates or practices the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or Laws of the United States or any state or subdivision thereof by unlawful means.
- (d) Publicly or privately advocated, or participated in, the activities of a group or organization, which has as its goal revolution by force or violence to overthrow the Government of the United States or the alteration of the form of Government of the United States by unconstitutional means with the knowledge that it will further those goals.

Membership in a militant anti-government group would be considered under one or more of these criteria, depending on the specific nature of the group and the involvement of the individual. The screening for access authorization includes a full-field background investigation and extensive records checks, with a reinvestigation of the individual at five year intervals.

In addition to the requirement for an access authorization for access to special nuclear material (SNM), there are two programs covering individuals who have access to assembled devices and those who have access to Category I quantities of SNM. The contractor security police officers at RFFO are in the latter group, which is covered by the Personnel Security Assurance Program

(PSAP), codified as Title 10, Code of Federal Regulations, Part 710, Subpart B. Using the security criteria found in Subpart A of that Title, the PSAP provides heightened assurance through continuous monitoring and annual checks of the individual. The screening and annual checks in this instance include a psychological evaluation, as well as medical examination, drug test, and security evaluation.

**pg 3, para 1. (b): The June 29, 1997 Denver Post article) alleges that uncleared personnel were granted access to the Rocky Flats facility and were found searching the site for secret listening devices in the middle of the night. How has DOE responded to this allegation in order to determine whether it is true? If the allegation has been found to be true, what disciplinary action has DOE taken against Kaiser Hill or its employees? If no disciplinary action has been taken, please justify.**

ANS: When DOE Headquarters learned that personnel who did not have DOE security clearances may have been granted access to the facility to search for alleged listening devices, telephonic inquiries to Rocky Flats Safeguards and Security Division personnel commenced immediately. Several personnel were contacted to confirm the veracity of the allegations. Upon determining that the reports were valid, a specialized technical security team was dispatched immediately from the Albuquerque Operations Office in order to review all areas accessed by the uncleared personnel. Based on the Albuquerque report, DOE Headquarters assembled an inquiry team to validate the report and to inquire into the origination of the action that permitted an uncleared person to conduct a search for listening devices in DOE areas. The preliminary inquiry team determined that indeed an uncleared person had performed such a search in possible violation of DOE safeguards and security policies. The preliminary results of this inquiry have been provided to the Inspector General and General Counsel for their review.

**What actions has DOE taken to ensure that proper security clearances are obtained for any prospective DOE contractors or subcontractors operating in sensitive areas at the site in the future?**

ANS: By "sensitive area," we understand you to mean a formal security area, such as a limited area or a SCIF, where classified information could be compromised. DOE regulations regarding Personnel Security activities provide clear guidance on when an individual must be processed for access authorization. DOE O 472.1B, PERSONNEL SECURITY ACTIVITIES, states as an objective, that individuals will be allowed access to DOE classified matter and special nuclear materials only when it has been determined that such access will not endanger the common defense and security and is clearly consistent with the national interest. The CONTRACTOR REQUIREMENTS DOCUMENT, which is an attachment to the order, provides implementation instructions to all DOE contractors regarding Departmental access authorization requirements. The purpose of this document is to provide procedures for contractors to follow to prevent the unauthorized disclosure of classified matter, to protect special nuclear materials, and to control the authorized disclosure of classified matter.

**Pg 3, para 1 (b): Does DOE have a list of names of uncleared personnel who obtained access to sensitive areas within Rocky Flats? Has DOE or FBI conducted investigations into the background of those personnel to determine whether security at Rocky Flats may have been compromised by the access granted to these personnel? If not, why not? If so, summarize results of the checks.**

ANS: Upon discovering that person(s) who did not have DOE security clearances may have been granted access to the facility, DOE Headquarters conducted a preliminary inquiry into the circumstances surrounding the event(s) during the period of July 8-17, 1997. The preliminary inquiry confirmed that a single individual who did not have a DOE security clearance was granted access to the facility to search DOE areas for alleged listening devices, and was provided classified information relating to the search for listening devices and that an unauthorized disclosure of that information did occur. There is no evidence that any other classified information, except for the information relating to the search for listening devices, was compromised. The details of the inquiry are undergoing review by the Office of Inspector General and the Office of the General Counsel.

**pg 3, para 1. (c): The May 20, 1997, Denver Post article reports that David Ridenour, the former director of security at the plant, said that security clearances were being extended two years without conducting background checks. Is this true? If the answer is yes, please describe for each such case the justification for the decision to forgo the required background checks.**

ANS: A clearance *extension* takes place when an individual requires a DOE access authorization at more than one DOE site or to perform work on more than one contract. No clearance extensions were made at Rocky Flats without conducting background checks. However, we believe that when Mr. Ridenour made this remark he may have been referring to the process utilized by Rocky Flats to *reinstate* access authorization for individuals who had previously held DOE access authorization. For 44 individuals, "Q" access authorizations were reinstated despite the fact that their most recent investigation was more than 5 years old. This was acceptable under established Personnel Security procedures since the following guidelines were followed prior to the reinstatement:

- (a) The existing Personnel Security File was reviewed and there was no unresolved derogatory information on record;
- (b) A newly completed Standard Form 86, Questionnaire for National Security Positions, was reviewed and did not disclose any unfavorable or discrepant information; and
- © A request for appropriate level of reinvestigation was immediately submitted to the Office of Personnel Management.

**pg 3, para 1. (d): How often does the FBI cross reference names of DOE/DOE contractor personnel with names of members of groups that it believes may pose a threat to national security or public safety? If the FBI does not perform such cross references, would you agree that such an exercise would prove useful in identifying current or prospective security personnel who might have ties to groups who might wish to obtain nuclear materials or weapons for terrorist or other illegal purposes? If the FBI does perform such cross references, please indicate whether any current DOE/DOE contractor security personnel have been identified to have ties to organizations that the FBI considers to pose a threat to national security or public safety, and what actions DOE has taken in response.**

**ANS:** The FBI does not routinely search names of all DOE employees and provide information to DOE concerning those employees. If the FBI becomes aware of information that the security of a DOE facility is threatened, DOE, as well as other appropriate agencies, would be promptly notified. As stated earlier, the four names of WS employees referred to the FBI did not result in any type of law enforcement action on their part. In that specific instance no information was obtained that led the FBI to believe there was any threat to the facility. The FBI is contacted when there is specific articulable information to suggest that a security threat may exist, and appropriate action is taken in response to any information received from the FBI. The FBI should be contacted if your office requires any further information regarding their operations.

**pg 3, para 2. (a): What steps has DOE taken to determine whether the allegations that nuclear materials at Rocky Flats are uninventoried and stored in an insecure manner are true? If true, what steps has DOE taken to ensure that these problems have been corrected? Were any disciplinary actions taken against the personnel who were found to be responsible for these serious lapses in security? If so, what action was taken? If not, why was no action taken? What is DOE doing in order to ensure that similar lapses in nuclear material accounting and safeguards practices are not occurring at other sites?**

**ANS:** It is true that not all Rocky Flats special nuclear material (SNM) had been inventoried at the prescribed intervals during the last several years. This was the result of safety concerns that had arisen because of the way some material had been left in 1989, when the order was given to shut down all nuclear operations. At that time, material was stored or left in pipelines and tanks with the expectation that nuclear operations would start up again within a few weeks, rather than being permanently terminated. The safety issues have since been addressed and resolved and Kaiser-Hill completed a 100% inventory of all Category I and II (the highest concern) special nuclear material in December, 1996 and a 100% inventory of all Category III and IV SNM in September, 1997. In addition, all bimonthly inventories have been conducted since that time. No disciplinary action was deemed necessary, hence none has been taken. Nuclear materials are stored in a number of locations at Rocky Flats since production at the site was shut down. A number of security system upgrades are underway to upgrade protection of this material. The Department is also expediting efforts to move these nuclear materials to other DOE sites.



We will continue to oversee our sites through our program of safeguards and security surveys, reviews and independent inspections. These oversight activities are used to detect non-compliance with requirements and any degradation in system effectiveness.

Should lapses of system effectiveness be identified at any of our sites, in accordance with established procedures, they will be mitigated with appropriate compensatory measures. These compensatory measures remain in place pending completion of permanent and cost efficient protection measures or until compliance with requirements is assured.

**pg 4, para 2. (b): In light of the reported combination of poor security and a failure to conduct regular material inventories, is DOE confident that it knows exactly how much nuclear material is stored at Rocky Flats? If the answer is yes, please justify your response. If the answer is no, then can DOE be completely certain that thefts of nuclear material have not already occurred?**

**ANS:** The Site maintains an inventory listing database of all special nuclear material holdings it is responsible for. This listing is reconciled by regular spot check inventories of the actual material, and an inventory difference (ID) is also calculated. As noted above, the site recently concluded a 100% inventory for all its special nuclear material holdings. The ID for the Rocky Flats inventory is within the allowable standards established by DOE for management of its material, control and accountability program. DOE has a high degree of confidence that thefts of nuclear material have not occurred.

**pg 4 para 2. (c): It has been suggested that crude nuclear and radiological weapons could be constructed using nuclear materials from Rocky Flats within several hours, given the form of the plutonium stored at the site and assuming that the person constructing the weapon had access to high explosives. Is this true? Do stores of metallic or non-metallic plutonium exist at Rocky Flats which could be quickly surrounded by high explosives such that within several hours after capture of the material a credible nuclear explosive threat might exist? If the answer is yes, please indicate the steps that DOE is taking to secure these highly sensitive materials or to transform them into chemical compounds that would be suitable for ready use in a nuclear or radiological weapon.**

**ANS:** Theories regarding crude nuclear and radiological weapons have existed since the Manhattan Project, and this agency and its predecessor agencies have always considered those theoretical problems in our security planning and our contingency plans. We believe we have developed adequate measures to address such concerns.

**pg 4, para 2. (d): It has been suggested that if individuals representing terrorist organizations were to gain insider access to the facility, they would have access to the equipment that was used to manufacture plutonium at Rocky Flats, raising the possibility that such persons might have the access and ability to manufacture their own stores of plutonium. Is there any residual plutonium manufacturing capability at Rocky Flats which might be exploited by persons who succeed in obtaining access to the facility? If so,**

**please indicate what is being done to secure such equipment or technology from insider or other threats.**

**ANS:** Plutonium material was sent to Rocky Flats from other sites which created the plutonium in reactors and recovered the plutonium from spent fuel. Plutonium metal was fabricated into parts for nuclear weapons at Rocky Flats which were subsequently shipped to another site for assembly into completed weapons. The machinery used to fabricate the plutonium parts at Rocky Flats is very complicated and required many people to operate it. It would be impossible for one or a few individuals operating on their own to use this machinery to duplicate those fabrication processes. Moreover, much of this machinery is no longer operable.

**pg 4, para 2. (e): It is my understanding that beryllium is used in the manufacture of nuclear weapons, and that it is also an extremely toxic element that could be used in the construction of chemical weapons. How much beryllium is stored at the Rocky Flats facility? Please describe the health hazards associated with the diversion and subsequent use of beryllium as a chemical weapon. Please describe the safeguards that are in place to ensure the security of the beryllium at Rocky Flats. Is it the intention of DOE to permanently store excess beryllium at Rocky Flats?**

**ANS:** You are correct that beryllium is used in the manufacture of nuclear weapons, and that certain forms of beryllium are considered hazardous. Beryllium is a non-radioactive material that is extremely lightweight, relatively strong, and has good temperature properties. Although non-radioactive, beryllium dust from machining operations and fumes can be hazardous and can lead to a condition called chronic beryllium disease. This is considered a long-latency disease where symptoms may not appear for 15 to 30 years following exposure. The disease affects the lungs in a small percentage of exposed workers who develop an immune system reaction to beryllium. The disease is characterized by a granuloma, or soft growth in the lungs, which may cause shortness of breath, coughing and general weakness. The DOE has been at the forefront in medical surveillance and screening, in research, workplace controls, and operational improvements, and expanded monitoring in the workplace. At Rocky Flats, the worker recall and screening program is probably the largest in the U.S.

Beryllium exposure across the U.S., and the world, is a concern, and is not just a government issue. It is estimated that 750,000 to 800,000 workers across the U.S. may be at risk of exposure, according to the National Institute of Occupational Safety and Health. The metal is used in the nuclear industry, the space program, aircraft industry, as an alloy in various metals, including aluminum, in non-sparking tools, golf clubs, telecommunications and computer industries, and even in some high-performance bicycles.

Because of the long-latency period for symptoms of chronic beryllium disease to develop--and because only certain people (slightly more than 1 percent of those exposed) develop the disease--it is highly unlikely that beryllium could be used to produce an effective chemical weapon. Beryllium is not hazardous in its metal form.

Rocky Flats has been pursuing an aggressive program to remove all beryllium from the site. The program began in 1995 and to date more than 100,000 pounds of the material have been removed from the site. Approximately 20,000 pounds remain to be removed. Much of the metal at Rocky Flats may be in the form of classified shapes and parts. Classified shapes and parts are protected by the standard security procedures and security systems in place at Rocky Flats. As part of the accelerated cleanup and closure of Rocky Flats, DOE intends to complete removal of all beryllium from the site in the near future.

**page 6, para. 2(a): Are the cuts in funding for DOE safeguards and security due to a failure on the part of DOE to request such funds, a failure of Congress to appropriate all the funds that were requested, or a combination of both? For the past five years, please indicate the amount of funds requested for DOE safeguards and security along with the amount authorized and appropriated by Congress.**

**ANS:** The Office of Security Affairs Safeguards and Security Cross-cut estimates do not represent an executable budget, therefore Congress would not have authorized and appropriated a safeguards and security budget. Instead, the individual program offices receive authorized and appropriated funds which are then transmitted to the facilities. The crosscut estimates represent a "snapshot" of the budget resources needed to fund safeguards and security activities. At a majority of the facilities, the safeguards and security functions are considered overhead activities, and paid for out of overhead pools. Consequently, the safeguards and security crosscut estimates usually represent the facilities' estimates (prorated against specific budget and reporting classifications) as amended by the program offices during the budget formulation process.

Displayed below are the safeguards and security crosscut estimates for fiscal years 1994 through 1999.

U.S. Department of Energy Safeguards and Security Crosscut Estimates: COMPLEX-WIDE <b>ALL PARTICIPATING PROGRAMS</b> (Dollars in Millions)				
FY 1994	FY 1995	FY 1996	FY 1997	FY 1998
\$864	\$803	\$762	\$731	\$747

The Director, Office of Security Affairs, Report to the Secretary on the Status of the Department of Energy Safeguards and Security Program October, 1997, indicates that these reductions have been excessive and that there is a safeguards and security funding shortfall. Areas in which the Report concluded that the shortfall is impacting safeguards and security include:

- ▶ deficiencies in chemical and biological weapons defense;
- ▶ deficiency in explosive detection capabilities;
- ▶ funding to replace certain aging physical security systems;
- ▶ the problem of a smaller in number and increasingly aging protective force;
- ▶ the need for a revitalized technical security program;
- ▶ the requirement to provide adequate security investigations funding;
- ▶ the requirement for safe and secure consolidation and long-term storage of special nuclear material;
- ▶ the need for critical infrastructure and information protection, and
- ▶ the need for increased professional staff members in safeguards and security functions.

The Director's Report also noted that after six years of budget reductions, further cuts in our safeguards and security program at this time without very carefully considered assessments of their impacts would not be prudent. The internal security management council chaired by Deputy Secretary Elizabeth Moler is reviewing the recommendations and the conclusions of the Report and evaluating appropriate responses.

**pg 6, para 2. (a): By comparison, how have budgets for nuclear weapons research and development and related stockpile activities fared during this same period? If DOE has not requested additional funds, please justify that decision in light of the reports of security breaches at DOE facilities.**

**ANS:** Funding for weapons activities including Stockpile Stewardship and Program Direction in the DOE Congressional Requests for the period of FY 1993 through FY 1997 were reduced from \$4556.7M to \$3710.0M. This represents an 18.6% reduction over the five year timeframe. As noted above, there is no executable Safeguards and Security (S&S) budget for the DOE. There is a crosscut estimate of funding and costs in which to address the comparison requested in this question. The DOE prepares a cross-cutting estimate for S&S based upon facility needs. A comparison of the total DOE cross cut estimate for S&S for the same five year period, indicates a decline from \$995.5M in FY 1993 to \$736.2M in FY 1997. Although this represents a 26.1% reduction, changes in this funding reflect many other events such as: site closures; inventory consolidations; use of prior year funds; and completion or cancellation of projects no longer required for the maintenance of an effective S&S facility profile. The reduction in S&S funding, therefore, does not in and of itself directly correspond to a reduction in the required protection capabilities at DOE facilities.

**page 6, para. 2(a): Would you agree that cuts in funding have resulted in a smaller, less well-trained security personnel force, in light of the numerous documented breaches of site security at the Rocky Flats facility, the reports of the failures of Los Alamos security personnel to characterize and respond to alarms, and the fact that four weapons facilities and five non-weapons facilities have less than satisfactory security ratings in at least one topical security area? If not, why not, and if so, please indicate the steps that DOE is taking to address this problem.**

**ANS:** There has been a substantial reduction in protective force officers. There are a number of reasons for these reductions, which vary greatly from site to site. In some instances the reductions have resulted from site mission changes, site reconfiguration, a reduction in the overall size of the area being protected or a consolidation of material into fewer repositories. Internal reports have raised concerns in those instances where there may have been too large a reduction or where the reduction was not based upon a thorough analysis and performance testing. Officers at sites with Category I or II special nuclear material are required to maintain a higher level of physical fitness and marksmanship, and possess special skills equivalent to a police force SWAT team, called "special response teams." When budget driven reductions take place and seniority plays the prime role in determining which officers retain their jobs, the least senior and most recently hired officers, who more frequently volunteer for special response team duty, are the most adversely impacted.

Security survey reports and inspection reports have documented various deficiencies, and they are being addressed. The oversight process of conducting surveys and inspections and developing reports from these activities brings management attention to resulting findings, including specific deficiencies, which are tracked to resolution. At several sites, protective force staffing increases are necessary and are planned in FY-1998. For example, Lawrence Livermore National Laboratory will add 35 officers; Hanford facility will add 9 officers; Nevada Test Site will add 15 officers; and Los Alamos National Laboratory will add 36 officers.

**pg 6, para 2. (b): The January 1997 report states "over 50 facilities at 12 geographic locations are being used to store SNM although they were never designed for that purpose". Does DOE plan to request funds to construct new facilities or consolidate materials in existing facilities in order to store them safely? If so, where will they be located, how much will they cost, and when will they be completed?**

**ANS:** In regard to weapons-usable plutonium, in a Record of Decision for the Storage and Disposition of Weapons-Usable Fissile Materials, issued January 14, 1997, DOE announced that it will consolidate the storage of weapons-usable plutonium by upgrading and expanding existing and planned facilities at the Pantex Plant and the Savannah River Site (SRS). After certain conditions are met, most plutonium now stored at the Rocky Flats Environmental Technology Site is expected to be moved to Pantex and SRS. Plutonium currently stored at Hanford Site, Idaho National Engineering and Environmental Laboratory Site, and the Los Alamos National Laboratory is expected to remain at those sites until disposition (or movement to storage at the disposition facilities). A DOE Record of Decision on the siting of the disposition facilities is planned for early 1999.

Consistent with the Record of Decision on the Storage and Disposition of Weapons-Usable Fissile Materials, DOE requested and has been authorized funds to upgrade an existing facility at Pantex for the storage of surplus pits and to expand the storage vault of a to-be-constructed new facility, the Actinide Packaging and Storage Facility at SRS to accommodate the SRS non-pit plutonium and any future shipments of this material from other sites. The upgraded facility at Pantex is authorized at \$5.4 million and the Actinide Packaging and Storage Facility is

authorized at \$135 million. The upgrade at Pantex is scheduled to be completed by 2000 and the Actinide Packaging and Storage Facility construction is scheduled to be completed in 2001.

At DOE's Y-12 plant at Oak Ridge, existing facilities are being modified to provide increased storage capacity so that highly enriched uranium can be returned to the plant from throughout the DOE complex. Defense Programs is planning to spend \$3.4 million in 1998 and \$0.5 million in 1999 to provide increased storage capacity. Y-12 is also investigating the possibility of constructing a new storage facility which would provide consolidated storage of all of the HEU at the plant. The new facility would also be located in such a manner that the need for SNM transporters at the plant would be eliminated. Current estimates for this facility are in the \$50 million range. All Y-12 facilities provide adequate safeguards to special nuclear materials. The need for increased storage space at the Y-12 Plant will be reduced as the Materials Disposition Program blends down and disposes material for commercial use.

**pg 6, para 2. (b): How does DOE plan to address problems associated with temporary storage of SNM at reportedly unsuitable locations (such as Savannah River K Reactor) until permanent facilities are constructed?**

**ANS:** It is true that material is stored in facilities that were designed and used for the safe and secure handling, processing, and storage of these materials over the past 40 to 50 years. While a number of these facilities do not represent the most modern technology available for these purposes, all must comply with the Department's environment, health, safety and security requirements and a number of upgrades and improvements have been implemented as a result. Currently, the Department is in the process of stabilizing nuclear materials which are not in a form suitable for safe long-term storage and we have made substantial progress in this regard. Following stabilization, many of these materials will be consolidated for storage prior to ultimate disposition. These activities support the Department's ultimate objective of deactivating and decommissioning the large number of facilities no longer needed to support the nation's stockpile of nuclear weapons.

Currently, the K-Reactor at the Savannah River Site is being used to store both unirradiated and irradiated reactor fuel. This facility has stored these materials on an almost continuous basis over the past 40 years for short periods of time as part of the nuclear material production process, and as such, has the appropriate provisions for the safe, secure storage of these materials. The irradiated spent nuclear fuel from the facility is now being processed, and processing is scheduled to be completed in 1999.

**pg 6, para 2. (b): If there are no plans to construct such facilities, how does DOE plan to address long-term storage of SNM stored in unsuitable locations?**

**ANS:** As noted above, the DOE has requested, and Congress has been authorized, funds to construct new facilities for storing SNM materials. This is consistent with DOE's Record of Decision for the Storage and Disposition of Weapons Usable Fissile Materials Environmental

Impact Statement, issued January 14, 1997, which will reduce the number of sites where plutonium is stored through a combination of storage alternatives and disposition alternatives.

**Page 6, para 3: For each facility that received a marginal or unsatisfactory rating in any safety area, please indicate the steps that DOE is taking to ensure that the SSSPs will be completed in a timely manner and that the SSSPs will be reviewed to ensure that they adequately characterize the problems that were identified in the January report.**

In the January report, "Status of Safeguards and Security for 1996" by the Office of Safeguards and Security, Office of Security Affairs, dated January 1997, the following sites were rated as Marginal overall in safeguards and security: Lawrence Livermore National Laboratory (LLNL), Rocky Flats Environmental Technology Site (RFETS) and the Mound Plant.

LLNL was rated Marginal overall, as well as in the Program Management (PM) and Protection Program Operations (PPO) topical areas. LLNL's protection posture has been enhanced through systems improvements and the Special Response Team (SRT) is in the process of being reconstituted. The updated SSSP is in the process of being finalized with assistance from the Office of Nonproliferation and National Security (NN) and the Office of Defense Programs (DP). In 1997, a Nuclear Materials Control & Accountability (NMC&A) onsite program review, site survey and Office of Security Evaluations profile identified issues in the NMC&A management and lack of documentation. These issues are in the process of being addressed and incorporated into the revised SSSP.

**Rocky Flats** was rated Marginal in the topical areas of PM, PPO, NMC&A and Personnel Security (PS). Based on a periodic survey during 1997, RFETS was rated Satisfactory overall. However, PM remains marginal because of deficiencies in safeguards and security integration and safeguards and security oversight by the contractor. RFETS is continuing the safeguards and security line-item construction project, inventories of special nuclear material are complete and a live fire training facility has been completed. The Site Safeguards and Security Plan (SSSP) was approved by the Site Manager, concurred with by DP and the Office of Environmental Management (EM) while receiving a conditional concurrence by the Director of Security Affairs pending resolution of some protection program issues.

**Los Alamos National Laboratory** was rated Satisfactory overall but Marginal in PM and PPO in the 1996 report. A survey conducted in 1997 reflected a further decline in PM resulting in an Unsatisfactory rating, PPO continued to be Marginal and NMC&A declined to Marginal. Since the 1997 survey, LANL has improved in some areas, to include: hiring thirty-four additional protective force personnel; conducting additional Vulnerability Analysis in support of the SSSP; and obtaining a partial funding for a safeguards and security line-item construction project. However, some serious protection program issues remain unresolved.

**Mound Plant** received a Marginal rating overall and in the PM topical area. NMC&A was rated unsatisfactory. Mound has since completed inventories and measurements as required, and is currently satisfactory.

The following sites received overall satisfactory ratings, but were rated lower in one or more specific topical area.

**The Y-12 site** received Marginal ratings in NMC&A which will remain Marginal until restart for plant operations is approved. (Phase A operations are scheduled for restart by April 30, 1998, and Phase B by January 1999. As part of the restart process, each Material Balance Area's (MBA) inventory is required to be reconciled.) In Personnel Security, procedural improvements still require action.

**K-25** received a Marginal in PS which also requires action through procedural improvements.

The purpose of the Site Safeguards and Security Plan is to ensure high level security planning and implementation via a document which accurately characterizes the current status of all protection program elements. The Department has made significant progress in having SSSPs completed and approved. This is demonstrated by the number of completed and approved SSSPs. Of the 21 SSSPs required by DOE, as of March 1998, nine are current and approved, ten annual updates are in the approval process and two have annual updates that are overdue but are expected to be received by May 1998.

The following is the current SSSP status of those sites noted above which had received Marginal or Unsatisfactory ratings: LLNL - in review; Rocky Flats - Site approved with Environmental Management and Defense Programs concurrence/Security Affairs conditional concurrence; LANL - past due (proposed submission in April 1998); Mound - no longer required; Y-12 - in review; and K-25 - no longer required.

**pg 6, para 3. (b): The January 1997 report assigned an unsatisfactory rating to MC&A at Mound, citing lack of progress in correcting deficiencies identified in 1994 and problems with tritium gas recovery which led to accounting discrepancies.**

**ANS:** MC&A was rated unsatisfactory by the Ohio Field Office in 1996. Since the 1996 survey, all findings, with the exception of the "random search finding," have been closed and all identified deficiencies corrected. The tritium inventory problems were a result of outdated nuclear material control limits. These limits have been re-established based upon improved measurement data and the site will continue to monitor the tritium gas recovery efforts. In addition, the following programs have been developed and approved by the Ohio Field Office: Measurement Control Program; Verification/Confirmation Measurement Program; and the Internal Review and Assessment Program.

The Ohio Field Office policy for identified deficiencies requires the development and DOE approval of a corrective action plan (CAP) within 30 days after formal notification -- the CAP is to include a root cause analysis, resources, milestones, etc. If a milestone is missed that would impact the projected "fix" date, a new corrective action plan is required to be submitted for DOE approval.



**page 7, para. 4(a): Is it true that there have been no briefings between the Working Groups and the National Security Cluster since the August 8, 1996 request? If so, please explain. If any such briefings have taken place, please provide the dates and agendas for such briefings, as well as copies of any reports or materials that were transmitted to the National Security Cluster during the briefings.**

ANS: The Physical Security Working Group (PSWG) has not conducted its first briefing at this time but is prepared to brief DOE's newly established Security Council. On May 6, 1996, the PSWG established the Protective Force Subcommittee. The subcommittee completed and published its final report in August 1997.

On September 30, 1997, the Deputy Secretary and National Security Cluster comprised of senior officials from the various DOE programs with nuclear materials management, oversight and policy roles were briefed on measurement and inventory issues by the Chairman at the Fissile Materials Assurance Working Group (FMAWG). As you requested, the briefing materials are attached.

**page 7, para 4(a): If the Working Groups issued recommendations to the National Security Cluster in any of the briefings, please indicate the steps DOE is taking to implement them.**

ANS: At the FMAWG September 30 briefing, senior officials were informed of steps taken or actions underway to address the deficiencies identified in the Office of Inspector General report. These include accelerated processing of unmeasured highly enriched uranium (HEU) materials for purposes of measurement, site initiatives to complete measurements-based physical inventories, modification to the national nuclear materials database system to expand nuclear material tracking and safeguards analysis, and development of program direction to sites for safeguarding spent nuclear fuel. The FMAWG will be reviewing the Y-12 Plant measurements plan for the HEU materials when it becomes available. The Y-12 Plant is expected to commence processing during calendar year 1998. The expanded material tracking and analysis action plan was finalized in January, 1998. The Department anticipates issuing additional program guidance for spent fuel by mid fiscal year 1998.